

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

Capp Allotment
Grazing Transfer

Determination of NEPA Adequacy
DOI-BLM-MT-C020-2013-0138-DNA

For Further Information Please Contact:

Bureau of Land Management
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301
406-233-2800

BLM



DATE POSTED: April 23, 2013

DATE DUE: May 8, 2013

Worksheet
Documentation of NEPA Adequacy (DNA)

U.S. Department of the Interior
Bureau of Land Management (BLM)

BLM Office: Miles City

NEPA Number: DOI-BLM-MT-C020-2013-0138-DNA

Case File/Project No: GR 2503685

Proposed Action Title/Type: Capp Allotment Transfer

Location/Legal Description: Powder River County

T2S, R53E, Sec. 21 (all)

T2S, R53E, portions of Sections 20, 26, 27 and 35

(See attached map)

A: Description of the Proposed Action: The proposed action is to ensure the allotment continues to meet the Land Health Standards and issue a 10 year permit to the base property owner of the Capp Allotment (#00658). The term of the permit will be 03/01/2013 to 02/28/2023. No changes would be made to the previous grazing schedule, grazing preference, kind of livestock, percent public land, type of use, or the terms and conditions. The permit would be issued as follows:

GR # 2503685

Allotment Name and Number	Pasture	Livestock		Grazing Period		% PL	Type Use	AUMs
		Number	Kind	Begin	End			
Capp #00658	School	1	C	03/01	02/28	100	Custodial	12
	School	1	S	03/01	02/28	100	Custodial	3
	Reservoir	1	C	03/01	02/28	100	Custodial	12
	Reservoir	1	Y	03/01	02/28	100	Custodial	6
	Three Pastures	113	C	05/15	10/14	75	Active	426
	Three Pastures	1	Y	05/15	06/30	75	Active	1

Total Active AUMs: 460

Terms and Conditions:

School and Reservoir Pasture: Grazing is authorized during the listed season for the recognized capacity of the public land.

Livestock will not be on the public land continuously for the entire season.

Livestock numbers are not restricted.

Three Pastures (Road, Well and Spring Pastures): A .75 yearling factor is used to determine the actual number of yearlings allowed. (113 C = 150Y)

Applicant: Permittee
County: Powder River
DNA Originator: Philip Reiersen

B. Land Use Plan (LUP) Conformance

LUP Name* Powder River RMP Date Approved 1985

Other document** _____ Date Approved _____

Other document** _____ Date Approved _____

**List applicable LUPs (for example, resource management plans; activity, project, management, or program plans; or applicable amendments thereto)*

☐ The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

☒ The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions)

This proposed action is in accordance with the Powder River RMP Record of Decision approved in 1985, as amended by the Standard for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD approved in 1997. The Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD states on page 12 "Terms and conditions are a tool to achieve resource conditions in the standard". The Powder River RMP Record of Decision (page 1) states that Appendix E- Allotment Summaries and Utilization Computation of the Final Environmental Impact statement (pages 315-332) are included within the Record of Decision. This appendix includes the allotments that are allocated grazing use.

C. Identify applicable National Environmental Policy Act (NEPA) document(s) and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

[DOI-BLM-MT-C020-2011-0073-EA](#)

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation and monitoring report).

Standards for Rangeland Health Assessment, July 1999.

D. NEPA Adequacy Criteria

1. **Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?** *Yes, the proposed action is the same as the proposed action in the DOI-BLM-MT-C020-2011-0073-EA.*
2. **Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?** *Yes, DOI-BLM-MT-C020-2011-0073-EA analyzed the proposed action and considered a No Action alternative. Those alternatives are appropriate because this is a non-controversial grazing permit.*
3. **Is the existing analysis valid in light of any new information or circumstances (such as rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstance would not substantially change the analysis of the new proposed action?** *Yes, the existing analysis is adequate. There is no new information available.*
4. **Are the direct, indirect and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?** *Yes, the impacts analyzed in the DOI-BLM-MT-C020-2011-0073-EA are the same as for the current proposed action. The same document also analyzed site specific impacts on the same allotment as the proposed action as well as the cumulative impacts which are unchanged.*
5. **Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?** *Yes, the public and interagency review of the existing NEPA document is adequate for the current proposed action.*

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.

<u>Name</u>	<u>Title</u>	<u>Resource Represented</u>	<u>Initials & Date</u>
Jesse Hankins	Wildlife Biologist	Wildlife	<i>JCH 5/16/13</i>
Reyer Rens	Supervisory RMS	Review	RR 5/23/2013


 Environmental Coordinator

5/24/2013
 Date

F. Mitigation Measures: List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.

CONCLUSION

☒ Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

Note: If one or more of the criteria are not met, a conclusion of conformance and/or NEPA adequacy cannot be made and this box cannot be checked



Todd D. Yeager
Field Manager
Miles City Field Office

05/24/2013
Date



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Miles City Field Office

111 Garryowen Road

Miles City, Montana 59301-7000

www.blm.gov/mt

In Reply Refer To:

4100 (MTC021)

GR# 2503685

June 10, 2013

Shilo Capp
20 Capp Road
Powderville, MT 59345

Certified Mail No: 70113500000345173316

Return Receipt Requested

NOTICE OF PROPOSED DECISION

BACKGROUND

The Capp Allotment (#00658) is located approximately 6 miles South of Powderville in Powder River County MT. The Capp Allotment consists of 1,535 acres of BLM-Public Domain containing 460 AUMs of authorized active use. The allotment also contains 1,184 acres of private land and 542 acres of State of Montana Lands.

The allotment was assessed for and met Land Health Standards in July 1999. Subsequent field visits indicate the allotment continues to meet the Standards.

Shilo B. Capp has submitted a warranty deed for the base property for the Capp Allotment. In addition, he submitted Form 4120-1 (Grazing Application-Grazing Schedule), Form 4130-1a (Grazing Application/Preference Summary), Form 4130-1b (Grazing Application-Supplemental Information), and Form 4120-8 (Assignment of Range Improvements).

In April 2013, a Miles City Field Office BLM interdisciplinary team initiated a Documentation of NEPA Adequacy (DOI-BLM-MT-0138-DNA) to analyze the issuance of the grazing permit to Shilo B. Capp for the above mentioned allotment. The Finding of No Significant Impact (FONSI) was signed by the authorized officer on May 24, 2013.

PROPOSED DECISION

Therefore, it is my proposed decision to issue a grazing permit, which will authorize the grazing of the Capp Allotment (#00658) to Shilo B. Capp. The permit will be issued for a ten year term from 03/01/2013 through 02/28/2023. The permit will be issued as follows:

GR # 2503685

Allotment Name and Number	Pasture	Livestock		Grazing Period		% PL	Type Use	AUMs
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RATIONALE

The issuance of the grazing permit is provided through a deed showing control of the base property for this allotment being submitted to the BLM. The deed contains the legal descriptions of the base property associated with this allotment.

Upon receiving all forms, the Miles City BLM Field Office interdisciplinary team initiated a Documentation of NEPA Adequacy (DOI-BLM-MT-0138-DNA) to analyze the issuance of the grazing permit for the allotment. The Finding of No Significant Impact (FONSI) was signed by the authorized officer on May 24, 2013. Existing information indicates the allotment is meeting the Standards for Rangeland Health (43 CFR 4180).

The BLM determined that Shilo B. Capp meets the qualifications to be an applicant to hold the grazing permit. The issuance of the permit complies with 43 CFR §4110.1, 4110.2-1, and 4110.2-2.

AUTHORITY

The following sections of the Code of Federal Regulations, Chapter 43, provide authority for the actions proposed in this grazing decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:

http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf

§4110.1 Mandatory qualifications

§4110.2-1 Base property.

§4110.2-2 Specifying permitted use.

§4130.2 Grazing permits or leases

§ 4120.2 Allotment management plans and resource activity plans.

§ 4120.3–2 Cooperative range improvement agreements.

§4130.3 Terms and conditions

§4130.3-1 Mandatory terms and conditions

§4130.3-2 Other terms and conditions

§4130.3-3 Modification of permits and leases

§4160.1 Proposed decisions

§4160.2 Protests

§4160.3 Final decisions

§4160.4 Appeals

RIGHT OF PROTEST AND APPEAL

Protest:

Any applicant, permittee, lessee, or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1.

Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd D. Yeager, Field Manager
Bureau of Land Management, Miles City Field Office
111 Garryowen Road
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice. A written protest electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as a protest. A written protest must be on paper.

Appeal:

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21 9 and 43 CFR 4.471, pending final determination of an appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final (43 CFR 4160.4).

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470, which is available from the BLM office for your use in a BLM office.

The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b) (1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits.
- 3) The likelihood of immediate and irreparable harm if the stay is not granted.
- 4) Whether the public interest favors granting the stay.

ENCLOSURES FOR REPLY

Find enclosed two copies of your grazing permit. Please sign both copies and promptly return them both to the Miles City Field Office. Once officially signed by the authorized officer, you will be provided with a signed copy for your records.

If you have any questions on this document please contact Philip Reiersen, Rangeland Management Specialist, at (406) 233-3144 or Reyer Rens, Supervisory Rangeland Management Specialist, at (406) 233-2866.

Sincerely,



Todd D. Yeager
Field Manager

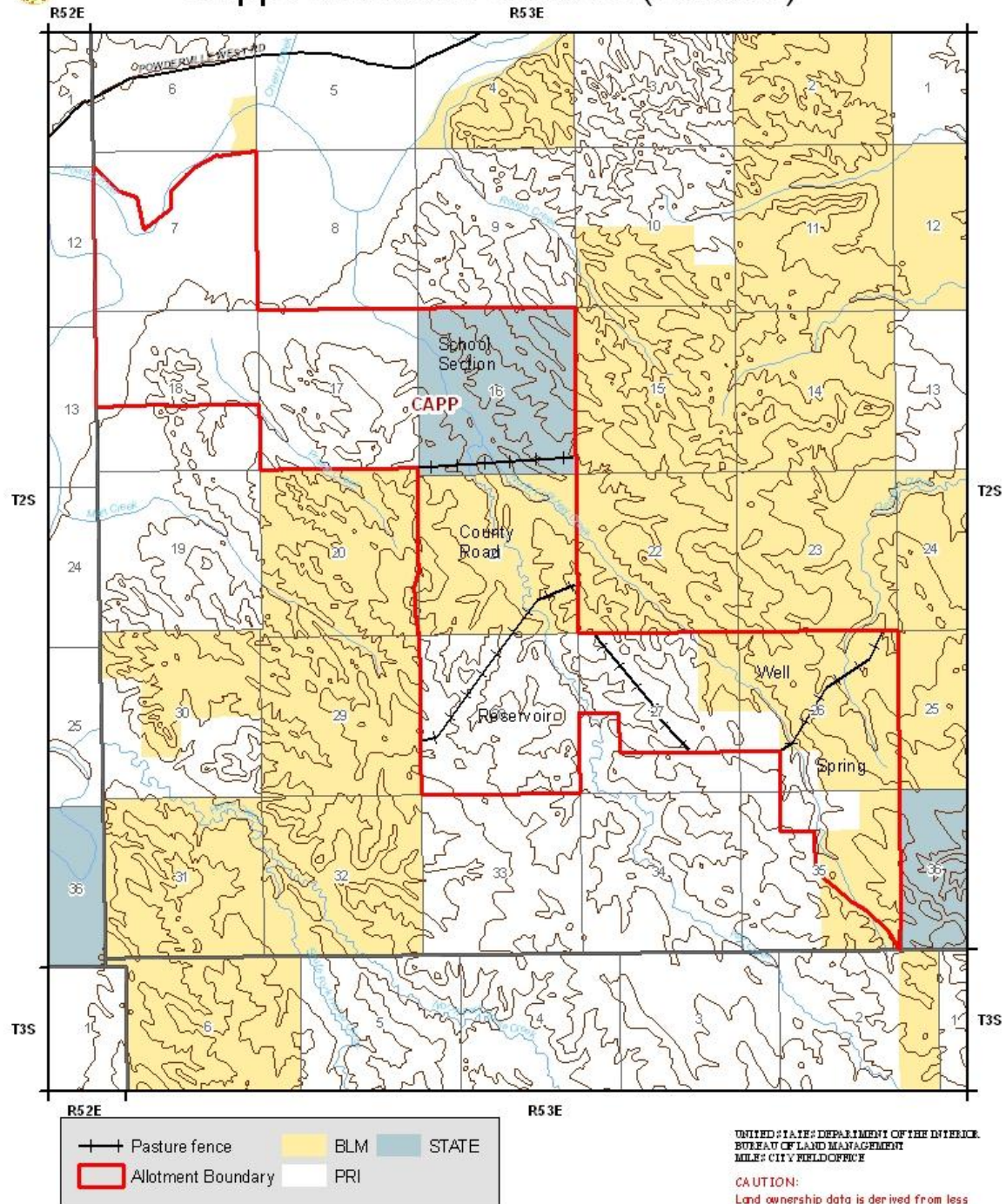
Enclosed:

- 1) BLM Grazing Permit (2 copies: please sign and return to the Miles City Field Office)

Reiersen:lrn:6/5/13:Capp_Decision_Letter_Reiersen_2013



Capp Allotment Pastures (#00658)



12/14/2010

1:50,000



No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.



UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MOLE CITY FIELD OFFICE

CAUTION:
Land ownership data is derived from less accurate data than the 1:24,000 scale base map. Therefore, land ownership may not be shown for parcels smaller than 40 acres, and land ownership lines may have plotting errors due to source data.